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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,948	06/26/2003	Valery M. Dubin	42P14493	8275

8791 7590 06/19/2006

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EXAMINER
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MENZ, DOUGLAS M

ART UNIT	PAPER NUMBER
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2891

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/608,948

Applicant(s)

DUBIN ET AL.

Examiner

Douglas M. Menz

Art Unit

2891

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lur et al. (US 5413962).

Regarding claim 1, Lur discloses an apparatus comprising:

a first layer (30) having a first at least one interconnect (26) formed in an interlayer dielectric (30, Figs. 1-11 and Cols. 2-4);

a second layer (on top of 30 bound by top of 34, Fig. 2-6) formed over the first layer, the second layer having a second at least one interconnect (29, Figs. 5-11), and wherein the second layer comprises a first sublayer (42, Fig. 11) and a second sublayer (85, Fig. 11), the first sublayer (42, Fig. 11) is between the first layer (30, Fig. 11) and the second sublayer (85, Fig. 11), and the second sublayer (85, Fig. 11) is between the first sublayer (42, Fig. 11) and the third layer (bound by 60 and top of 34 top of Fig. 10), the first sublayer (42, Fig. 11) comprising an ILD, and the second sublayer (85, Fig. 11) comprising air (Cols. 2-4);

a third layer (bound by 60 and top of 34 top of Fig. 10) formed over the second layer, the third layer defining at least one air gap (85, Fig. 11) between the second at least one interconnect (29, Fig. 11) and the third layer (Fig. 11 and Cols. 2-4);

and at least one shunt (40, 50) comprising a first material different from a second material of the first and second at least one interconnects (26, 29 respectively, Fig. 11) selectively covering the first and second at least one interconnects (Fig. 11).

Regarding claim 2, Lur further discloses comprising a barrier layer (42) to support the first and second at least one interconnects (Fig. 11 and Col. 4, lines: 20-30).

Regarding claim 7, Lur further discloses wherein the second at least one interconnect (29, Fig. 11) is within the second sublayer (85, Fig. 11).

Regarding claim 8, Lur further discloses wherein the second layer comprises air (85, Fig. 11).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lur et al. (US 5413962) in view of Dubin et al. (US 6696758).

Regarding claim 3, Lur discloses the features of claim 2 as mentioned above, however, Lur does not explicitly disclose wherein the barrier layer has a thickness of between 50-500 Angstroms. Dubin discloses an interconnect structure which incorporates a barrier layer (140, Fig. 1) that has a thickness of 100-500 Angstroms (Col. 3, lines: 45-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to use Dubin's barrier layer with its disclosed thickness for the purpose of inhibiting interconnect material diffusion as taught by Dubin (Col. 3, lines: 50-55).

Regarding claims 4-5, Lur discloses the apparatus of claim 1 as mentioned above and further discloses at least one via having a vial plug (26 or 29), however, Lur does not explicitly disclose further the via plug material is selected from the group consisting of cobalt and nickel or that the vial plug is deposited using electroless deposition.

Dubin discloses an interconnect structure which incorporates a via plug material that is selected from the group consisting of cobalt and nickel (Col. 5) and that the via plug is deposited using electroless deposition (Col. 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a via plug material that is selected from the group consisting of cobalt and nickel and that the via plug is deposited using electroless deposition with Lur's structure for the purpose of improving the structural properties of the interconnect structure as taught by Dubin (Col. 2).

### ***Response to Arguments***

Applicant's arguments filed 4/3/06 have been fully considered but they are not persuasive. Applicant argues that Lur does not disclose an air gap between the second at least one interconnect (29, Fig. 11) and the third layer (80, Fig. 11), as required by claim 1 because the second interconnect (29, Fig. 11) is coated with oxide layer (42, Fig. 11). Applicant is correct in that interconnect 29 is coated with oxide layer 42, however, **air gap (85, Fig. 11) is still positioned between interconnect (29, Fig. 11) and the third layer (80, Fig. 11), as required by claim 1.**

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas M. Menz whose telephone number is 571-272-1877. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Baumeister can be reached on 571-272-1722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DM

 6/12/06